

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
JAN 26 2012  
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

vs.

OSCAR GONZALEZ

§ Magistrate Docket No.: 3-12-MJ-3  
§ Docket No. 4:12-MJ-11  
§ Charge Pending: 21 U.S.C. § 846  
§ Eastern District of Virginia  
§ Newport News Division

**REPORT OF PROCEEDINGS UNDER RULES 5(c)(3) and 5.1  
AND ORDER ENTERED THEREON**

The defendant is charged in the above-referenced district with the offense of **Conspiracy to Possess with Intent to Distribute a Controlled Substance**, in violation of **21 U.S.C. 846**. Having been arrested in this district on a warrant issued on that/those charge(s), he/she appeared before me for proceedings as follows:

**Rule 5(c)(3) Transfer**

- ☒ The government has produced a copy of the warrant, and
- ☒ The Court finds that the person before the Court is the defendant named in the indictment, information or warrant because:
  - ☐ The defendant waived identity hearing.
  - ☒ An identity hearing was conducted, and the defendant's identity was established.
- ☐ The Court finds, based on the evidence presented during an identity hearing, that the person before the Court is **NOT** the defendant named in the indictment, information or warrant.

**Rule 5.1: Preliminary Hearing**

- ☐ No preliminary hearing is necessary because the defendant is charged by indictment.
- ☐ The defendant waived a preliminary hearing.
- ☐ The defendant elected to have a preliminary hearing in the district where the prosecution is pending.
- ☒ The defendant elected to have a preliminary hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
  - ☒ There is probable cause to believe that the defendant committed the offense(s) charged.
  - ☐ There is **NOT** probable cause to believe that the defendant committed the offense(s) charged.

---

**Rule 5(d)(3) Detention Hearing**

- ☐ No detention hearing is necessary because the government did not move to detain the defendant.
- ☐ The defendant waived a detention hearing.
- ☐ The defendant elected to have a detention hearing in the district where the prosecution is pending.
- ☒ The defendant elected to have a detention hearing in this district, and based on the evidence presented during the hearing, the Court finds that:
  - ☒ The defendant should be detained.
  - ☐ The defendant should be released on bond.

---

**ORDER ENTERED ON THE FOREGOING REPORT**

TO: UNITED STATES MARSHAL

- ☒ You are commanded to transfer the above-named defendant forthwith to the district in which he/she is charged and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.
- ☐ It is ORDERED that this defendant be released from custody on bond pending further proceedings.
- ☐ It is ORDERED that this defendant be discharged.

DATE: 1/26/12

(Use Other Side for Return)

  
\_\_\_\_\_  
United States Magistrate Judge